Drugs and Alcohol

Synopsis
This document contains mandatory controls designed to prevent accidents and incidents occurring on Network Rail controlled infrastructure as a result of impaired performance due to the consumption of drugs or alcohol.

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Drugs and Alcohol

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Part 1  General information

1.1  Scope of Railway Group Standards

1.1.1 The overall scope of Railway Group Standards, and specifically of the controlled infrastructure (as used in this Railway Group Standard), is set out in Appendix A of GA/RT6001. The specific scope of this Railway Group Standard is set out in Part 2.

1.2  General responsibilities

1.2.1 Railway Group Standards are mandatory on all members of the Railway Group and apply to all relevant activities that fall into the scope of each Railway Safety Case. If any of those activities are performed by a contractor, the contractor’s obligation in respect of Railway Group Standards is determined by the terms of the contract between the respective parties. Where a contractor is a duty holder of a Railway Safety Case then Railway Group Standards apply directly to the activities described in its Railway Safety Case.

1.2.2 The Railway Group comprises the Rail Safety and Standards Board Limited, the infrastructure controller and the train and station operators who hold Railway Safety Cases for operation on or related to the controlled infrastructure (as set out in GA/RT6001).

1.2.3 Under the Railways (Safety Case) Regulations 2000, as amended by the Railways (Safety Case) (Amendment) Regulations 2003, the duty holder (as defined in those Regulations) is responsible for ensuring that the requirements of Railway Group Standards are complied with. Contractual arrangements (including a lease at a station) do not of themselves relieve the duty holder of its obligations under those Regulations.

1.2.4 Rail Safety and Standards Board Limited is also known as RSSB.

1.3  General compliance date

1.3.1 This Railway Group Standard comes into force and shall be complied with from 06 December 2003, except as specified in Part 2. Where the dates specified in Part 2 are later than the above date, this is to allow Railway Group members sufficient time to achieve compliance with the specified exceptions.

1.3.2 After the compliance date, or the date by which compliance is achieved if earlier, Railway Group members shall not deviate from the requirements set out in this Railway Group Standard. Where it is considered not reasonably practicable to comply with the requirements, authorisation not to comply shall be sought in accordance with GA/RT6001, GA/RT6004 or GA/RT6006.

1.4  Health and safety responsibilities

1.4.1 In issuing this Railway Group Standard, RSSB makes no warranties, express or implied, that compliance with all or any documents published by RSSB is sufficient on its own to ensure safe systems of work or operation. Each Railway Group member is reminded of its own responsibilities to ensure health and safety at work and its individual duties under health and safety legislation.

1.5  Technical content

1.5.1 The technical content of this Railway Group Standard has been approved by:

Richard Evans, Principal Operations Specialist, RSSB
Jon Taylor, Principal Track and Structures Engineer, RSSB
Haydn Peers, Principal Traction and Rolling Stock Engineer, Principal Plant Engineer, RSSB
Jeff Allan, Principal Signalling and Telecommunications Engineer, RSSB
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1.5.2 Enquiries should be directed to RSSB – Tel. 020 7904 7518 or e-mail enquiries@rssb.co.uk.

1.6 Supply

1.6.1 Controlled and uncontrolled copies of this Railway Group Standard may be obtained from the Industry Safety Liaison Department, Rail Safety and Standards Board, Evergreen House, 160 Euston Road, London NW1 2DX or e-mail enquiries@rssb.co.uk.
Part 2  Application of this document

2.1  Purpose

2.1.1  This Railway Group Standard contains mandatory controls designed to prevent accidents and incidents occurring on Network Rail controlled infrastructure as a result of impaired performance due to the consumption of drugs or alcohol.

2.2  To whom these requirements apply

2.2.1  This Railway Group Standard contains requirements that are applicable to RSSB and the duty holders of the infrastructure controller, station operator and train operator categories of Railway Safety Case.

2.3  Application – infrastructure controller

Scope

2.3.1  The requirements of this document apply to all activities undertaken by relevant persons, as defined in clause 2.8.11.

Exclusions from scope

2.3.2  There are no exclusions from the scope specified in clause 2.3.1 for the infrastructure controller.

Exceptions to general compliance date

2.3.3  There are no exceptions to the general compliance date specified in 1.3.1 for the infrastructure controller.

2.4  Application – station operator

Scope

2.4.1  The requirements of this document apply to all activities undertaken by relevant persons, as defined in clause 2.8.11.

Exclusions from scope

2.4.2  There are no exceptions from the scope specified in section 2.4.1 for station operators.

Exceptions to general compliance date

2.4.3  There are no exceptions to the general compliance date specified in 1.3.1 for the station operator.

2.5  Application – train operator

Scope

2.5.1  The requirements of this document apply to all activities undertaken by relevant persons, as defined in clause 2.8.11.

Exclusions from scope

2.5.2  There are no exceptions from the scope specified in clause 2.5.1 for train operators.

Exceptions to general compliance date

2.5.3  There are no exceptions to the general compliance date specified in 1.3.1 for the train operator.
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2.6 Application – RSSB

Scope
2.6.1 The requirements of this document apply to all activities undertaken by relevant persons, as defined in clause 2.8.11.

Exclusions from scope
2.6.2 There are no exclusions from the scope specified in clause 2.6.1 for RSSB.

Exceptions to general compliance date
2.6.3 There are no exceptions to the general compliance date specified in 1.3.1 for RSSB.

2.7 Document management

Superseded documents
2.7.1 The following Railway Group documents are superseded, either in whole or in part as indicated:

<table>
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<td>GH/RT4000 issue one August 1996 Drugs and Alcohol</td>
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GH/RT4000 issue one ceases to be in force and is withdrawn as of 06 December 2003.

Supporting documents
2.7.2 There are no Railway Group documents supporting this Railway Group Standard.

2.8 Definitions

Accident
2.8.1 Unplanned, uncontrolled event giving rise to death, ill health, injury or other loss.

Blind analysis testing
2.8.2 A process that is undertaken to test a laboratory’s ability to detect and identify those substances that are being tested for in such a way that is unknown to the people carrying out the tests.

Chain of custody
2.8.3 A process used to maintain and document the chronological history of a [drugs and alcohol] sample in order to guarantee the identity and integrity of the sample from collection through to reporting of the test results, and leads to the production of a legally defensible report.

Drug
2.8.4 For the purpose of this document, a drug means a ‘controlled drug’ as defined in the Misuse of Drugs Act 1971 and its subsequent modification orders, or other substance that could affect a relevant person’s ability to carry out their duties safely. This includes medication either prescribed by a medical practitioner or purchased over the counter.

Drugs and alcohol testing
2.8.5 For the purpose of this document, this means testing to identify whether or not drugs or alcohol are present in a relevant person (see also definition of ‘for cause’ drugs and alcohol testing).

Duty holder
2.8.6 The Railway Group member having responsibilities under their Railway Safety Case.
‘For cause’ drugs and alcohol testing
2.8.7 Drugs and alcohol testing to identify whether or not drugs or alcohol are present in a relevant person where there are reasonable grounds to suspect that the fitness of that person:

a) has contributed to, or is likely to have contributed to, the cause of an incident or accident
b) is likely to compromise the safety of the relevant person or others.

Incident
2.8.8 Unplanned, uncontrolled event which could have resulted, but did not result in death, ill health, injury or other loss.

Positive result
2.8.9 For the purpose of this document, this means that testing for drugs or alcohol shows:

a) the presence of drugs for which there is no legitimate medical need for either their use or the quantity of their use
b) more than 29 milligrams of alcohol in 100 millilitres of blood, or
c) more than 13 micrograms of alcohol in 100 millilitres of breath, or
d) more than 39 milligrams of alcohol in 100 millilitres of urine.

Railway Group member
2.8.10 Railway Group members are infrastructure controller(s), train and station operators who hold Railway Safety Cases for operation on, or related to, the controlled infrastructure as set out in GA/RT6001 (also known as duty holders), and RSSB.

Relevant person
2.8.11 For the purpose of this document, this means a person carrying out safety critical work or carrying out tasks or activities that have the potential to import risk onto Network Rail controlled infrastructure, and whose work is under the control of a Railway Group member:

a) under a contract of employment, or
b) under a contract with another organisation, or
c) as a self-employed person.

Safety Critical Work
2.8.12 For the purpose of this document, safety critical work has the meaning assigned in the Railways (Safety Critical Work) Regulations 1994.
Part 3  Requirements

3.1 Determining who is covered by a drugs and alcohol policy
3.1.1 Railway Group members shall ensure that relevant persons are subject to a drugs and alcohol policy.
3.1.2 Railway Group members shall identify relevant persons by reviewing the tasks that are carried out. When carrying out this identification, Railway Group members shall consider the nature of the task being carried out and where it is undertaken including, as a minimum, its proximity to lines open to traffic.

3.2 Determining which drugs to test for
3.2.1 Railway Group members shall have a process in place to determine which drugs to test for. In determining which drugs to test for, Railway Group members shall take into consideration, but not be limited to, the following factors:
   a) whether a test exists
   b) likelihood of a drug being taken
   c) the ability of a drug to affect performance detrimentally.

3.3 Establishing a drugs and alcohol policy
3.3.1 Railway Group members shall have a documented drugs and alcohol policy in place that sets out their policy for relevant persons with regard to the:
   a) use of drugs
   b) use or abuse of any prescribed or over the counter medication or other substances that could detrimentally affect work performance
   c) consumption of alcohol.
3.3.2 Railway Group members shall give information to relevant persons on the following:
   a) the effects of drugs and alcohol on performance
   b) factors that lead to dependency on drugs or alcohol
   c) information that can prevent them from inadvertently breaching the drugs and alcohol policy.
3.3.3 This information shall be incorporated into the induction programme for relevant persons, or otherwise brought to their attention.

3.4 Implementation and review of a drugs and alcohol policy
3.4.1 Railway Group members shall ensure supervisors and managers of relevant persons:
   a) understand their responsibilities under their organisation’s drugs and alcohol policy
   b) are able to recognise impaired workplace performance or behaviour likely to be caused by the abuse of drugs or alcohol
   c) understand the process for identifying the effects of medication on the ability of relevant persons to undertake work that could affect the safety of themselves or others
d) are able to encourage relevant persons to ask for advice and help in respect of problems arising from drugs or alcohol.

3.4.2 Railway Group members shall communicate the drugs and alcohol policy to all relevant persons when it is first implemented and when it is subsequently reviewed.

3.4.3 Railway Group members shall review their drugs and alcohol policy as part of any review of their safety management system, but at no greater intervals than every three years.

3.5 Contents of a drugs and alcohol policy

3.5.1 Railway Group member’s drugs and alcohol policies shall contain, but not be limited to, the following:

a) definition of the scope of application to all relevant persons
b) allocation of responsibilities for implementing and maintaining the drugs and alcohol policy
c) information on what constitutes misuse of drugs or alcohol
d) reporting arrangements for the use of prescribed and over-the-counter medication
e) restrictions and prohibitions on the consumption of alcohol
f) implications of and relationship with the Transport and Works Act 1992
g) information on individual safeguards, rights of appeal and confidentiality
h) information on help and support available to those with drugs or alcohol problems
i) circumstances in which disciplinary action will be considered
j) arrangements for undertaking drugs and alcohol testing
k) circumstances under which drugs and alcohol testing will take place
l) arrangements for reporting the results of drugs and alcohol testing
m) arrangements for relevant persons who are remotely managed.

3.6 Pre-appointment testing

3.6.1 Railway Group members shall ensure that a process is in place to inform potential new recruits who could become relevant persons, and who are likely to be offered employment, of the details set out in their drugs and alcohol policy.

3.6.2 Railway Group Members shall ensure that all persons who are likely to become relevant persons (for example on appointment or promotion) are tested before they undertake tasks as identified in clause 3.1.2.

3.7 Unannounced random drugs and alcohol testing

3.7.1 Railway Group members shall implement a policy of unannounced drugs and alcohol testing of a random selection of relevant persons.

3.7.2 Railway Group members shall ensure that the number of relevant persons selected and the frequency at which testing is undertaken are sufficient to meet the requirement in section 3.12.2. Railway Group members shall also ensure that a suitable selection method is used to prevent a relevant person from permanently avoiding such testing.
3.7.3 Railway Group members are permitted to allow relevant persons that are subject to unannounced random testing to continue their duties whilst awaiting the results of such testing unless there are reasonable grounds to suspect that they are unfit for duty at the time of testing.

3.8 ‘For cause’ testing – behaviour

3.8.1 Railway Group members shall have a process in place to test any relevant person whose behaviour gives cause to suspect that they are unfit for work due to the effects of drugs or alcohol. Such a person shall not be allowed to resume work or tasks defined in clause 2.8.11 until the result of the drugs and alcohol test is known.

3.8.2 Railway Group members shall undertake ‘for cause’ drugs and alcohol testing of any relevant person under their control upon receipt of a reasonable request from another Railway Group member where there are reasonable grounds to suspect that person is under the influence of drugs or alcohol, and that the safety of the operational railway is at risk.

3.9 ‘For cause’ testing – accidents and incidents

3.9.1 Railway Group members shall initiate ‘for cause’ drugs and alcohol testing when they have reasonable grounds to suspect that safety has been compromised through the consumption of drugs or alcohol. When the criteria requiring an accident or incident to be investigated by means of a formal inquiry are met, as set out in GO/RT3473 clause B7.1 a), then it shall always be considered that reasonable grounds exist, although reasonable grounds may still exist if the criteria for a formal inquiry are not met.

3.9.2 Railway Group members shall not allow a relevant person tested for drugs and alcohol under these circumstances to resume work or tasks covered defined in clause 2.8.11 of this document unless:

a) a negative result is obtained, or

b) it can be demonstrated that the person concerned did not contribute, either through their actions or by their omission, to the accident or incident.

3.9.3 In the case of a relevant person who would normally be tested in compliance with this section of the standard, but has been admitted as a hospital patient, the Railway Group member shall obtain the permission of the doctor in charge of the case before undertaking drugs and alcohol testing.

3.9.4 When a relevant person is tested by a police officer and returns a positive test result, either for alcohol or drugs, then the Railway Group member need not undertake any further testing but shall apply the requirements set out in section 3.11 of this document.

3.9.5 If, however, a relevant person returns a negative result following a test performed by a police officer then the Railway Group member shall ensure that the person is tested for alcohol and drugs in accordance with the requirements of this Railway Group Standard. This is because the requirements contained in this document are more onerous than those set out in the Transport and Works Act 1992.

3.9.6 Once the results of drugs and alcohol testing are known, the Railway Group member shall inform the person identified as responsible for investigating the cause of the accident or incident as set out in GO/RT3473.

3.10 Arrangements for drugs and alcohol sample collection and analysis

3.10.1 Railway Group members shall ensure that persons who collect the samples and undertake the analysis for drugs and alcohol are trained for the tasks that they are to undertake.
3.10.2 Railway Group members shall ensure that collection of samples is undertaken using a documented chain of custody for drugs and alcohol samples. Railway Group members shall ensure that the sample collection is conducted in a manner such that:

a) the safety, health and dignity of those people carrying out the sample collection and of the relevant persons whose sample is being collected are protected

b) samples are collected at a time when the safety duties of the relevant person being tested are not affected

c) relevant persons being tested shall be given the opportunity to disclose any medication they have taken.

3.10.3 Railway Group members shall only use laboratories for drugs and alcohol analysis that are UKAS (or European equivalent) accredited to ISO17025 and are subject to blind analysis testing under an external quality assurance scheme.

3.10.4 Railway Group members shall ensure that the result of drugs and alcohol testing are made known to persons being tested as soon as possible. The result of such testing, if positive, shall be set out in such a way as to enable identification of a positive result as defined in this document.

3.11 Positive results of drugs and alcohol testing and testing

3.11.1 Railway Group members shall consider a refusal by a relevant person of a reasonable request to be tested for drugs and alcohol when required by this document to be the same as if that relevant person had tested positive for drugs or alcohol.

3.11.2 Medication disclosed by a relevant person under clause 3.10.2 shall not be considered as a positive result providing it was disclosed before the drugs and alcohol sample was collected.

3.11.3 Railway Group members shall not consider for work or tasks as a relevant person those people who return a positive result after pre-appointment drugs testing. Those people who return a positive result are permitted to re-take the test at a later date.

3.11.4 Railway Group members shall ensure that a relevant person who returns a positive result after drugs and alcohol testing does not undertake any activity that is covered clause 2.8.11 of this document unless the requirements of clause 3.11.5 are met.

3.11.5 It is permissible for relevant persons who have previously returned a positive result for drugs or alcohol testing to be re-employed as relevant persons provided:

a) a period of 5 years has elapsed during which time they have not undertaken work as a relevant person, and

b) they submit to and pass a test for drugs and alcohol before resuming work as a relevant person, and

c) they are subject to an individually tailored regime of unannounced testing for a period to be determined by the responsible Railway Group member on a case by case basis.

3.12 Records, monitoring and review

3.12.1 Railway Group members shall keep records of all testing for drugs and alcohol for a period of not less than three years from the date the testing was carried out.

3.12.2 Railway Group members shall monitor the results of drugs and alcohol testing to identify trends, patterns and changes in the levels of drugs and alcohol detection.
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3.12.3 Railway Group members shall periodically audit and review the effectiveness of their drugs and alcohol policy and make changes to prevent or eliminate increases in risk resulting from the deficiencies identified by the monitoring detailed above.

3.13 Use of medication

3.13.1 Railway Group members shall have a process in place that enables relevant persons to report the use of prescribed and over-the-counter medicines to their supervisor or line manager.

3.13.2 Railway Group members shall ensure that a supervisor or line manager receiving such a report from a relevant person is able to refer to advice provided by a competent medical authority to identify the likely effects on the ability of the relevant person to carry out his or her duties.

3.13.3 Railway Group members shall not allow a relevant person to carry out work or tasks defined in clause 2.8.11 if the medical authority, referred to in section 3.13.2 advises that such a course of action is necessary. In these cases it is permitted for Railway Group members to either:

a) request that the relevant person visit their own general practitioner and obtain alternative medication that will not affect their performance, if available, or

b) instigate special measures to permit the relevant person to carry out their normal duties safely, or

c) instigate control measures to permit the relevant person to undertake other than their normal duties.
References

The Catalogue of Railway Group Standards and the Railway Group Standards CD-ROM give the current issue number and status of documents published by RSSB.

Documents referenced in the text

Railway Group Standards

GO/RT3473  Formal Inquiries, Formal Investigations and Local Investigations
GA/RT6001  Railway Group Standards Change Procedures
GA/RT6004  Temporary Non-Compliance with Railway Group Standards
GA/RT6006  Derogations from Railway Group Standards

Other references

The Misuse of Drugs Act 1971
The Railways (Safety Critical Work) Regulations 1994